HIGH COURT OF JUDICATURE, CHHATTISGARH AT BILASPUR

Writ Petition No. 2018 of 1998

PETITIONER: Rajendra Kumar Shrivastava, aged about 54 years, son of Late Shri L. L. Shrivastava, resident of Opposite "C"-1, Krantinagar, Bilaspur.

-Versus-

RESPONDENTS:

1. Deputy Managing Director and Corporate Development Officer – Appellate Authority, State Bank of India, Central Office, P. B. No. 12, Mumbai – 400 021.
2. Chief General Manager, State Bank of India, Local Head Office, Hoshangabad Road, Bhopal (M.P.).
3. General Manager (DNPB), State Bank of India, Local Head Office, Hoshangabad Road, Bhopal (M.P.).

POST FOR ORDER ON 26th SEPTEMBER, 2003

Sd/-
L.C. Bhadoo
Judge

(199)

HIGH COURT OF JUDICATURE, CHHATTISGARH AT BILASPUR

Writ Petition No. 2018 of 1998

PETITIONER: Rajendra Kumar Shrivastava, aged about 54 years, son of Late Shri L. L. Shrivastava, resident of Opposite "C"-1, Krantinagar, Bilaspur.

-Versus-

RESPONDENTS:

1. Deputy Managing Director and Corporate Development Officer – Appellate Authority, State Bank of India, Central Office, P. B. No. 12, Mumbai – 400 021.
2. Chief General Manager, State Bank of India, Local Head Office, Hoshangabad Road, Bhopal (M.P.).
3. General Manager (DNPB), State Bank of India, Local Head Office, Hoshangabad Road, Bhopal (M.P.).

Shri Rohit Arya, counsel for the petitioner.

Shri P. Diwakar, counsel for the Respondents.

Before: Hon'ble Shri L.C. Bhadoo, J.

O R D E R

(Passed on 24th September, 2003)

1. The petitioner has filed this writ petition under Article 226/227 of the Constitution of India questioning the legality, validity and propriety of the impugned reversion order dated 13th November, 1995 by which the petitioner has been brought down by 25 stages from his existing basic pay i.e. from Rs. 9950 to Rs. 4250.
2. The facts leading to filing of this writ petition are that the petitioner joined the State Bank of India as Clerk on 10th October 1967 after selection through a competitive examination and he was confirmed on the said post on 10th April 1968. Thereafter he was promoted as Officer Junior Management in December 1976 and as MMGS-II in

August 1988. As per the petitioner he earned promotions in due course of time and during his service career he always worked to the best of his ability and he had been awarded number of appreciation letters for his commendable service in the Bank in the field of deposit mobilization, securing 'well run' rating for Janjgir Branch and Kirandul Branch during his tenure from 15th December, 1988 to 31st May, 1990 and 1.6.1990 to 8.11.1993. However for the period when he was working at Janjgir and Kirandul the petitioner was served with a charge-sheet dated 25th January, 1993 which was received by him on 20th March, 1993, by which two charges were levelled against the petitioner that the petitioner without verifying/examining the power of attorney to ascertain whether its holder was authorized to open a current account in the firm's name with the Branch at Janjgir as well as the said power of attorney ought to have been confirmed with the partnership deed. The second charge relates to the petitioner's own loan account wherein though admittedly the account was regularized but the cause of delay has been made as a basis of charge. The charge-sheet is Annexure P/3.

3. In reply to the charges the petitioner filed his reply on 19th April 1993. Petitioner's further case is that the Enquiry Officer without following the procedure as envisaged in the State Bank of India, Officers Conduct Rules held the petitioner guilty for both the charges. The petitioner has further mentioned that the conclusions reached by the Appellate Authority in its order dated 13th October 1996; the appeal was also dismissed by the appellate authority. The petitioner also filed a review before the Review Committee that was also dismissed. The enquiry was conducted without following the procedure as envisaged in Rule 68 of the State Bank of India

Officers Service Rules. Therefore, the enquiry is vitiated and he further requested that a writ of certiorari and mandamus be issued for quashing the impugned order reverting to the petitioner.

4. Return has been filed on behalf of the respondents in which it has been submitted that it is incorrect to say that the charges levelled against the petitioner are not proved and that no loss has been caused to the respondent/Bank, the findings rendered by the Inquiring Authority and Disciplinary Authority are correct, a reasonable opportunity of defence was given to the petitioner. The petitioner was an Officer in Middle Management Grade Scale-II cadre of the respondent/Bank. During his period he permitted opening of a current account on 31st March 1989, on the basis of a power of attorney executed by one Dinesh Kumar Agarwal, one of the partners of the firm in favour of one Balbhadra Prasad Mittal. The petitioner failed to examine the power of attorney to ensure whether or not the said attorney was authorized to open account in the name of the firm. He further failed to insist upon obtaining the partnership deed to ensure that the partners of the firm were jointly and severally authorized to execute the said power of attorney. Subsequently it transpired that the partnership deed did not contain any provision authorizing any one partner to execute such power of attorney on behalf of the firm. The petitioner allowed transfer of Rs. 43,000/- on 31st March, 1989 and Rs. 1,29,110/- on 31st March, 1990 from the current account of the firm at the risk of said attorney. These amounts were credited to the cash credit account of another firm M/s Maa Bamleshwari Service Station despite of the fact that he knew that Balbhadra Prasad Mittal and Mohanlal Agarwal, proprietor of M/s Maa Bamleshwari Service Station are real brothers and the former was holding the power of

attorney of Mohanlal Agarwal. Thus, the petitioner was instrumental in permitting diversion of funds from firm's account at the request of the said unauthorized power of attorney holder. The partners of the firm challenged the above payment to the tune of Rs. 1,72,110/- made by the petitioner by debiting to their firm's current account to third party and the Bank was likely to be dragged into litigation.

5. The petitioner while working as Manager, Personal Banking Division at Kirandul Branch enjoyed overdraft facility in his current account against the security of National Savings Certificates which were pledged with the Bank. The petitioner prepared a letter on 6.4.1992 addressed to the Post Master Savings Bank, Bilaspur through Branch Manager, Sarkanda Branch, Bilaspur requesting to make payment of the National Saving Certificates. He also collected Rs. 9,135/- inclusive of interest on the State Bank of India, Sarkanda Branch, Bilaspur. These documents were not sent to the Sarkanda Branch by registered post instead the petitioner personally carried the envelope and collected the proceeds of the National Savings Certificates from the Post Master, Bilaspur on 20.4.1992 after obtaining release letter from the Branch Manager, Sarkanda Bilaspur in his favour by misrepresenting the facts to him. By collecting proceeds of the National Savings Certificates in cash by misrepresenting the facts and retaining the proceeds thereof with him and by not depositing the full proceeds with the Bank, the petitioner exposed himself to lack of integrity.

6. The Disciplinary Authority was not satisfied by the reply submitted by the petitioner and proceeded for departmental enquiry. The Enquiring Authority after examining the witnesses and documents reached to the conclusion that the charges levelled against the petitioner stand proved and after enquiry the Disciplinary Authority

has rightly punished the petitioner. It is incorrect to say that the proper procedure in the enquiry was not followed, therefore the petition be rejected.

7. I have heard Mr. Rohit Arya learned counsel for the petitioner and Mr. P. Diwakar learned counsel for the respondent/Bank.

8. Counsel for the petitioner Mr. Arya argued that the enquiry officer had not conducted the enquiry in accordance with disciplinary rules and he had also not followed the principles of natural justice. He submitted that the Enquiring Officer did not supply the documents demanded by the petitioner and the documents were taken at a very later stage in a piecemeal. He further argued that in order to prove the Charge No.1 no witness was examined by the department and the Enquiry Officer had not examined the petitioner as per clause (4) sub-Rule (2) of Rule 68.

9. The law laid down by the Hon'ble Apex Court regarding exercise of powers of judicial review by the High Court under the writ jurisdiction in the case of **B.C. Chaturvedi Vs. Union of India and others** reported in **(1995) 6 SCC 749** is that the High Court while exercising judicial review cannot take his decision as a Court of appeal but certainly can review the manner in which the decision was made. The scope of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the Court. When an inquiry is conducted on charges of misconduct by a public servant, the Court is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and

authority to reach a finding of fact or conclusion. But the finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court. When the authority accepts the evidence and the conclusion receives support there from, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to re-appreciate the evidence or the nature of punishment. The court in its power of judicial review does not act as appellate authority to re-appreciate the evidence and to arrive at its own independent findings on the evidence. The Court may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court may interfere with the conclusion or the finding.

10. In the matter of **State of Rajasthan Vs. B.K. Meena and others**, reported in **JT 1996 (8) SC 684** Hon'ble Apex Court has held that in case of disciplinary enquiry the technical rules of evidence have no application. The doctrine of "proof beyond doubt" has no application Preponderance of probabilities and some materials on record are necessary to arrive at the conclusion whether or not the delinquent has committed misconduct." Hon'ble Apex Court again in the matter of **Lalit Popli Vs. Canara Bank & Others** reported in

JT 2003 (5) SC 494 has held that "While exercising jurisdiction under Article 226 of the Constitution the High Court does not act as an appellate authority. Its jurisdiction is circumscribed by limits of judicial review to correct errors of law or procedural errors leading to manifest injustice or violation of principles of natural justice. Judicial review is not akin to adjudication of the case on merits as an appellate authority".

11. In the matter of **B.C. Chaturvedi (Supra)** Hon'ble Apex Court has held that the scope of judicial review by the Court is of decision making process and where the findings of the disciplinary authority is based on some evidence the Court or Tribunal cannot re-appreciate the evidence or substitute its own finding. Again in the matter of **R.S. Saini Vs. State of Punjab and others** reported in **JT 1999 (6) SC 507** in paragraph 16 it has been held that "Before adverting to the first contention appellant regarding want of material to establish the charge, and of non-application of mind, we will have to bear in mind the rule that the Court while exercising writ jurisdiction will not reverse a finding of the inquiring authority on the ground that the evidence adduced before it is insufficient. If there is some evidence to reasonably support the conclusion of the inquiring authority, it is not the function of the court to review the evidence and to arrive at its own independent finding. The inquiring authority is the sole judge of the fact so long as there is some legal evidence to substantiate the finding and the adequacy or reliability of the evidence is not a matter which can be permitted to be canvassed before the court in writ proceedings."

12. Now, coming to the question of forwarding of documents as per the Rule 68 (2) (v) is concerned, a list of documents by which and list of witnesses by whom the articles of charge are proposed to be

substantiated as per the clause-vi are required to be forwarded by the disciplinary authority to the Enquiry Officer along with other documents. A note has been appended to this rule that the forwarding of the documents referred to in this clause need not necessarily be done simultaneously. Therefore, the relevant document, as per this note, can be produced at the time of the enquiry and moreover, in this case documents which were produced by the presenting officer before the Enquiry Officer pertains to bank record and these documents were submitted in the presence of the petitioner and as per the defence copies of all the 27 documents were given to the petitioner. The petitioner had opportunity to examine those documents and it is not the case of the petitioner that the copy of each and every document which was asked by him was not supplied to him. Therefore, I am of the view that not sending the documents to the Enquiry Officer at the initial stage and submitting the documents during the enquiry has not in any manner prejudiced the right of the petitioner. More over a perusal of the proceedings of the enquiry dated 30th November, 1993 shows that the petitioner himself in spite of the request made by the Enquiry Officer on behalf of the request of the Presenting Officer has not admitted or denied the documents. Even the parties were allowed to inspect the documents in Bilaspur office as well as at Sarkanda and Janjgir Branch of the Bank and even the Enquiry Officer has recorded that the attitude of the Officer was non-cooperative and he refused to receive the documents. Therefore, by no stretch of imagination it can be said that the documents were not supplied to the petitioner particularly when the attitude of the petitioner was non-cooperative. Therefore, I do not find any substance in the arguments of the petitioner.

13. A perusal of the enquiry report reveals that the charge No.1 was based primarily on the documentary evidence. The petitioner being a Bank Manager without examining the partnership deed simply based on the power of attorney allowed the account to be opened in the name of M/s Jai Rani Sati Transport and Construction Company. The petitioner did not examine the partnership deed Ex. P/13 and partnership letter Ex. P/14 to ascertain as to whether it contains any provision authorizing any one of its partners to execute any power of attorney on behalf of the firm or not. It has been clearly mentioned that even the petitioner admitted before the enquiry officer that the account was opened on the strength of the power of attorney Ex. P/15. The scrutiny of the power of attorney and other related papers were not done by the Accountant, Field Officer and Desk Officer of the Branch. The Enquiry Officer reached to the conclusion that the petitioner was negligent and he committed the lapse in allowing to open an account merely on the basis of the power of attorney without examining the partnership deed. More over the petitioner allowed the transfer of the amount of Rs.43,000/- and Rs. 1,29,110/- from the current account of the firm to the cash credit account of M/s Maa Bamleshwari Service Station. The partners of the firm objected to the transfer of money and the matter reached to the filing of the litigation. The petitioner himself admitted above facts before the Enquiry Officer and more over this charge was based on the documents and the documents were produced in the enquiry in the presence of the petitioner, therefore it cannot be said that this charge was not proved. As far as the argument of the learned counsel for the petitioner that the documents are not proved by any witness, therefore, the documents produced in enquiry cannot be considered as proved. In this

connection, if we look into the provisions of Bankers' Books Evidence Act 1891, in Section-4, it has been prescribed that:-

> **"Subject to the provisions of this Act, a certified copy of any entry in a bankers' book shall in all legal proceedings be received as prima facie evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is now by law admissible,"**

Therefore, in view of this provision, the entries of account books of the bank are prima facie evidence and not required to be proved by the oral evidence. Therefore, I do not find any substance in the argument of the learned counsel for the petitioner.

14. As far as the charge No.2 is concerned that relates to the encashment of N.S.C. by the petitioner which were pledged in the Bank as a security. This charge is almost admitted by the petitioner himself and even learned counsel for the petitioner during the course of argument submitted that the amount which was in cashed by the petitioner concerning the N.S.C. was deposited by the petitioner after lapse of 60 days because the petitioner fell ill. But the conduct of the petitioner was not just and proper as he got forwarded the letter to the Bank Manager Sarkanda Branch. When the N.S.C. were pledged by him with the Bank as security against cash credit limit then he was not required to take the N.S.C. personally and encash them and keep the amount with him. He ought to have allowed the Bank to encash those N.S.C. and thereafter the amount ought to have been remained in the Bank itself. Whereas, the petitioner himself being a responsible officer encashed the amount and kept the amount with him, therefore the Enquiry Officer has rightly held that the Charge No.2 was also proved against the petitioner and to prove this charge two witnesses

were examined by the prosecution and after relying upon the documentary evidence it was held that the charge stands proved.

15. Moreover, as per the law laid down by the Hon'ble Apex Court that technical rules and Evidence Act does not apply in the enquiries, even rule of adequacy of evidence or reliability of evidence cannot be permitted to be canvassed and where authority accepts the evidence and conclusion receives support from them, the disciplinary authority is entitled to hold the delinquent guilty when the findings are based on some evidence. It is not a case that the enquiry officer has held the petitioner guilty without any evidence. This is not a matter of no evidence, therefore the Court cannot re-appreciate or interfere.

16. Now, coming to the question of the non-examination of the petitioner as per the provisions of clause-(xvii) of subrule-2 of the Rule 68 is concerned, this rule envisaged that "The Inquiring Authority ***may***, after the officer closes his evidence and shall if the officer has not got himself examined, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the officer to explain any circumstances appearing in the evidence against him." If we look into this provision, in the first instance it is not mandatory for the Enquiry Officer to examine delinquent in all cases. It is the discretion of the Enquiry Officer, in the facts and circumstances of the case, if he feels necessary then he may examine. Moreover, the petitioner was himself present during whole enquiry; the matter was argued which is clear from the report of the Enquiry Officer. The arguments raised by the petitioner were considered and dealt with in the Enquiry Report. Moreover, in reply to the charges and statement of allegations, the petitioner had filed a detailed reply, therefore, in the

circumstances; I do not find any irregularity in the enquiry by non-examining the petitioner under this provision by the Enquiry Officer. The petitioner had already submitted his reply to charge sheet. Even the appeal filed by the petitioner against the decision of the enquiry officer was rejected by the appellate authority after considering the evidence on record and more over the review filed by the petitioner was also dismissed.

17. Now coming to the question of the quantum of the punishment, learned counsel for the petitioner argued that no loss has occurred to the Bank nor it has been proved that the petitioner has committed these irregularities with ulterior motive or personal gain rather the petitioner has received appreciation for increasing the business of the Bank and the punishment imposed on the petitioner is disproportionate to the misconduct of the petitioner. He has been brought down by 25 stages and he placed reliance on the decisions of the Hon'ble Apex Court reported in A.I.R. 2003 S.C. 1377 and the other decision of the Andhra Pradesh High Court reported in 1989 Labour and Industrial Cases, 1471 and decision of Kerala High Court reported in 1998 Labour Law, Kerala 105.

18. On the other hand, Shri Diwakar argued that the petitioner being a senior officer of the bank, he was dealing with the financial matters and heavy duty was on his shoulder. He committed serious irregularities by allowing the opening of account on the strength of power of attorney without examining the partnership deed and he allowed the transfer of amount of Rs.1,72,110/-. In support of his arguments he placed reliance on decisions reported in **JT 2003 (2) SC 78, JT 2003 (5) SC 494 & JT 2003 (2) SC 27** and argued that the disciplinary authority has awarded the punishment in

proportion to the misconduct of the petitioner, therefore, no interference is required by this Court.

In **AIR 2003 SUPREME COURT 1377** in the matter of **Kailash Nath Gupta V. Enquiry Officer (R.K. Rai), Allahabad Bank and others,** the Hon'ble Apex Court has held that:-

> **"Removal from service on account of certain procedural irregularities – No irregularity or misconduct by delinquent officer in the long past service except charges in question – Small advances became irrecoverable due to procedural irregularity however no evidence to show that he either misappropriated any money or had committed any fraud – Loss caused to bank could be recovered from delinquent- Procedural irregularity cannot be termed as negligence to warrant extreme punishment of dismissal from service."**

High Court of Andhra Pradesh in the matter of **G.A. Sarma Vs. The Chairman Syndicate Bank and others** reported in **1989 LAB. I.C. 1471** held that:-

> **"Delinquent, a bank official committing certain irregularities in sanctioning loan and thus violating provisions- No evidence that bank suffered any financial loss thereby- Punishment of removal of delinquent – Disproportionate to gravity of lapses committed.**

Similarly, High Court of Kerala in the matter of **State Bank of India & Others Vs. T.J. Paul, Kochi** reported in **1988 L.L.J.KERALA 105** held that:-

> **"Respondent for granting loan irregularly in excess of his discretionary power and for violating instructions and directions in the matter of granting loan. Violation of Head Office instructions and negligence was only a minor misconduct, major penalty was not justified."**

On the other hand, the Hon'ble Apex Court in the matter of **Chairman and Managing Director, United Commercial**

Bank & Ors v. P.C.Kakkar reported in **JT 2003 (2) SC 78** held that:-

> **"Quantum of punishment and the question of proportionality – Power of court to interfere in the matter of punishment – Disciplinary proceedings against the respondent bank officer- On charges being found to have been established, bank dispensing with the services – Respondent failing before the appellate authority as also on review- the court finds that a punishment is shockingly disproportionate it must record reasons for coming to such a conclusion and mere expression that the punishment is shockingly disproportionate would not meet the requirement of law. Further the charges against the respondent not being casual in nature but being serious, the High Court was not justified in interfering with the quantum of punishment."**

The Court held that "the Court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court. The court should not substitute its decision to that of the administrator.

The Hon'ble Apex Court in the matter of **Balbir Chand v. Food Corporation of India Ltd. and Ors.** reported in **JT 1996 (11) SC 507** held that:-

> **"A Bank officer is required to exercise higher standards of honesty and integrity. He deals with money of the depositors and the customers. Every officer/employee of the bank is required to take all possible steps to protect the interests of the bank and to discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a bank officer. Good conduct and discipline are inseparable from the functioning of every officer/employee of the bank."**

In the matter of **B.C. Chaturvedi v. Union of India and Ors. (Supra)** the Hon'ble Apex Court observed that:-

> **"A review of the above legal position would establish that the disciplinary authority, and on**

(213)

appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof."

In the matter of **Lalit Popli v. Canara Bank & Ors.** reported in **JT 2003 (5) 494,** the Hon'ble Apex Court held that:-

"The High Court was justified in upholding the order of dismissal in view of the limited scope of the judicial review. Respondent bank terminating the services of the appellant on account of fraudulent withdrawal of monies by the appellant from the accounts of a customer by forging his signatures and endorsements."

In view of the law laid down by the Hon'ble Apex Court and the High Courts, this court can interfere with the punishment awarded to the delinquent officer only when the Court reaches to the conclusion that looking to the facts and circumstances of the case and the alleged misconduct of the petitioner, punishment is disproportionate to the misconduct which shocks the conscience and the punishment is unduly harsh or vindictive, irrational or perverse and is not stood up to the test of doctrine of proportionality. The power of interference with the quantum of punishment is extremely limited. But, when relevant factors are not taken care of, which have some bearing on the quantum of punishment; certainly the Court can direct re-consideration or in an appropriate case to shorten litigation, indicate the punishment to be awarded. However the Hon'ble Apex Court in **Balbir Chand case (Supra) has held** that a Bank officer is required to exercise higher standards of honesty and

integrity. He deals with money of the depositors and the customers. Every officer/employee of the bank is required to take all possible steps to protect the interests of the bank and to discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a bank officer."

19. Therefore in view of the above settled principles based on the law laid down by the Hon'ble Apex Court if we look into the facts of the present case the first charge against the petitioner was that he opened an account based on the power of attorney without examining and looking into the partnership deed and further he allowed the transfer of the amount from the current account of the firm to the account of M/s Maa Bamleshwari Service Station which was opened on the strength of the power of attorney and on 31st March, 1989 the amount of Rs. 43,000/- and on 31st March, 1990 the amount of Rs. 1,29,110/- was allowed to be transferred. That transaction was objected by the other partners of the firm and the matter was likely to be brought to the Court. Therefore, there was a serious lapse on the part of the petitioner.

20. The second charge is very serious which pertains to his own account. The petitioner pledged the N.S.C. with the Bank against his over draft facility and when these N.S.C. became ripe, flouting the Rules of the Bank and misrepresenting before the Bank Manager he took those N.S.C. to Bilaspur and encashed personally and kept the amount for about two months with him. He was conversant with the procedure being a Bank Manager, he violated the conditions for his personal benefit, and he retained the amount with him contrary to the Rules.

21. Therefore, in view of the above lapse of the petitioner, the punishment awarded by the authority bringing him down by 25

stages cannot be termed by any stretch of imagination to be disproportionate to the misconduct or harsh and the punishment is not such which shocks the judicial conscious of the Court. Without satisfying these conditions as per the law laid down by the Apex Court, this Court is not entitled to interfere with the quantum of punishment awarded by the disciplinary authority.

22. In view of the above, there is no substance in the petition which is devoid of merit, it is liable to be and is dismissed.

Sd/-
L.C. Bhadoo
Judge